

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN)  ECF Case
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This document relates to:

*Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(SN) (and member case  
*Burlingame v. Bin Laden, et al.*, 02-cv-7230 (GBD)(SN))

**The *Burlingame XI* Personal Injury Plaintiffs' Motion for Partial Final Judgments**

**EXHIBIT H**

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STATE OF CONNECTICUT)  
COUNTY OF FAIRFIELD )

EDWARD NICHOLLS, hereby states under penalty of perjury that:

1. I am a resident citizen of the State of Connecticut, currently 69 years of age, and I am a survivor of the attacks on the World Trade Center on September 11, 2001. I am an employee of Aon and was injured when United Flight 195 struck the South Tower.

2. I arrived at my office on the 102<sup>nd</sup> floor around 8:30 a.m. At 8:46 a.m., we heard a loud, somewhat odd sound. Just after hearing the noise, out the window we saw an incredible amount of paper floating all over the sky. We had no idea what we were looking at but decided to get a view from the windows facing north. We saw flames shooting eastward out of Tower One from one or two of the top floors. Because the first airplane came down Manhattan and flew into the north side of the building, we had no idea what had happened- but it seemed like a good idea to get out of the building.

3. We walked around, told people it would be a good idea to leave, and simply pointed out that something was wrong. I remember walking out to the elevator, and a woman I've worked with for over twenty years, said "Don't take the elevator in an emergency, you know better than

that.” The stairway exit was on the other side of the hallway, so just to “humor” her, I told her fine, we’ll take the stairs.

4. The thought of walking down 102 flights of stairs was not very appealing- especially since we had no idea why we were doing it. However, after walking down a few flights, I remember a guy coming into the stairwell and saying his wife had called him and said a plane had flown into the other tower.

5. We walked down to about the 76th floor, and then something happened that was a bit confusing: a colleague and friend of mine was coming up the stairs from the floor below and told me to turn around and go back up to 78. The 78th floor was the "sky lobby", where elevator banks ran to the main lobby. So, we turned around to go back up, though I remember some people saying they were going to keep on walking. I have no idea if those people eventually got out. We went back up to 78. People were standing throughout the sky lobby, waiting to take the elevators down to the main lobby. However, an announcement was being made that the problem was confined to Tower One and that people should go back up to their offices. I remember talking to my friend and we decided to “just get out of here.”

6. As we waited, all of a sudden the 78th floor became totally dark at the same time of a horrific noise. I thought it was a bomb. Seconds later, a force came through the lobby area that seemed like all hell breaking loose. I remember winding up face down on the floor, my friend lying next to me. Debris and pieces of the building had been flying all over. I tried to pull myself together, looked at my friend, and gently pushed her and called out her name to see if she was all right. There was no response. Suddenly a piece of something crashed next to my head as I was lying there. For the sake of inches I was also gone. I knew I had to get up and out of there, but

there was a big problem. I could not lift myself up with my right arm. It was like it wasn't there. All I could think of was that I had to find the staircase I had originally walked down.

7. The scene on the sky lobby was nothing like I could ever imagine. People crying, screaming. At one point I could not see anyone else alive. I made it over to where I thought the stairs were, but then became very scared. I could not find the stairs anywhere, as they were just not where I thought they were. I sat down next to a wall and thought, "How am I going to get out of here?" At that point I focused on my right arm. Thankfully I had my suit coat on. The right side of my suit was all bloody and in shreds, and I could not feel the upper part of my arm. However, I could move the fingers on my right hand, so I figured my arm was still there. I got up and started walking around, still looking for the stairs. Not being able to see anyone else alive, at least not walking around, I was losing hope. I remember looking out the shattered windows and thinking to myself, "What am I doing on the 78th floor of a building that is on fire, with no way out?"

8. It was at that point I really started to notice the fire. I don't think I have ever seen a building on fire before, at least not up close, and certainly not one I was standing in. All of sudden, other people started to appear. I saw a man standing by a broken window trying to get fresh air. I walked over to him to do the same thing. The air in the building was filled with dust and who knows what else. Another man screamed at us to get away from the windows.

9. Then a decision had to be made. Two uninjured men who appeared from the other side of the floor disagreed on where the staircase might be. One man wanted to go back to where they came from, and I remember agreeing to follow him. We started to walk through the rubble, which I could barely negotiate because of my arm, when the other man insisted that we stay on the side of the building that we were already on, as he was sure the stairs were close by. At this point,

the fire was growing rapidly. On the floors right above us we heard loud crashing noises. I assumed it was beams collapsing as I was looking at collapsed beams right in front of us.

10. We made a decision to stay on that side, a decision that saved some of our lives. The smoke was getting very bad. I pulled out a handkerchief, put it over my mouth, and started walking through the smoke where we guessed the stairs to be. Unbelievably, we found them - and they were lit and not filled with smoke.

11. Two injured women and I started walking down, yelling to each other and anyone who would hear that we had found the stairs. As we made our way down the stairs, at different speeds, I was in the middle. We kept calling to each other to make sure we were all together. Not too many floors down from 78 we passed two firemen. I will never forget this. They were carrying what appeared to be loads of equipment, and I could not believe they walked up 75 or so flights of stairs like that. We told them to please get to 78 right away that people needed help so badly. They told us they would take care of it, and for us to just get ourselves to the 40th floor. They said we should go through the door on 40, and there we would find a working elevator.

12. True enough, we went through the stairwell door at 40, started walking around the floor, and found the elevator with an EMS worker inside. The three of us finally got in, and we were taken to the lobby. The scene in the lobby was almost too eerie for words. A policeman here, a fireman there. A layer of dust covering the floor, and all through the air. We were told to follow the directions of the rescue personnel in the lobby, who led us to the stairs leading up to the exit across the street from the Millennium Hotel. Once outside the air was terrible, but we were, at least, outside.

13. I was led outside the building by a woman police officer, who helped me to a triage area. Apparently, after assisting me, she went back into the building to help others. She did not

survive. As she was helping me, I remember a photographer sticking a camera in my face. I could not believe he could do something like that. It turns out that the photograph got quite a bit of publicity, but if it in any way honored that police officer, that is certainly fine with me.

14. I was put in an ambulance headed for New York Downtown Hospital. I remember the driver trying furiously to get through the streets, screaming for people to get out of the way. We finally made it and I was immediately taken into surgery. I was begging the doctor to save my arm. At that point, I was not even aware of the fact that I had a stomach wound. Before they put me under, one of the doctors told me he heard the top of one of the buildings had fallen down. I told him that was ridiculous.

15. My wife did not receive a call to hear I was alive until 1:30 that afternoon. I understand the house was full of friends with little hope I had gotten out. That night, two friends found me in the hospital. However, the next day I had to be transferred over to New York Hospital for surgery to address my open abdominal wound which had to be resolved prior to performing another surgery on my arm.

16. I was then transferred to the Hospital for Special Surgery, where surgeons performed multiple surgeries to repair the damage to my right arm and shoulder, including replacing the missing end of my humerus with a prosthetic, reconstructing the missing portions of my scapula, and repairing the remainder of my shoulder joint, including the removal of infected muscle and connective tissue and the reconstruction of what remained. I was discharged on September 28th. I was put on heavy doses of antibiotics, as a positive indication of infection was discovered during the surgery at HSS. Because the antibiotics included a form taken intravenously twice a day, a PICC line was inserted through a vein in my arm down to my heart before I could be discharged from the hospital.

17. After two days at home began physical therapy. I could barely raise my right arm, so I was given very simple exercises to try four to five times per day. After about five days at home I was sent to a physical therapist in Greenwich, three times a week. They soon gave me exercises to do at home five times per day, seven days per week, with some very simple equipment (elastic bands, a small pulley, a cane, etc.) . It became very clear that if I did not try to do everything I was told, there was no way I would regain use of my arm.

18. The physical therapy sessions continued three times per week, at least two hours per session, until October 2002. I was told at that time they could do no more for me, but that I was to continue with those same exercises, every other day, for the rest of my life. On the days when I am not performing the prescribed exercises, I was directed to do certain swimming exercises. The exercises I must do can be quite painful, and therefore some days I am sore all day long. However, if I do not exercise, I lose motion in the arm, so I am trapped in a constant cycle of pain and discomfort.

19. Airplane travel can be very uncomfortable, but traveling has always been a significant part of my job. I get very nervous on the train, and at any time I am in Grand Central Station. I try to avoid subways at all cost. Cold, damp weather significantly increases the aching feeling in my arm, however, my job, my career, is in New York.

20. I was determined to have lost 30% use of my arm, a degree of disability that is permanent and functionality that will not return. I cannot lift my right arm to any height, I cannot swing a bat or a golf club, or lift anything of significant weight. I have very little strength and limited motion in the arm. At best, if I maintain the rigorous exercise regimen I have adopted, including swimming exercises every other day, I will stave off the loss of additional functionality.

21. To this day, I continue to take antibiotics four days per week due to the aforementioned infection. Both of my surgeons and my internist advised that as long as I could tolerate the side effects (stomach problems) I was best advised to continue with the antibiotics for the rest of my life. I have also been advised to take daily probiotics for the remainder of my life to try to offset the long-term negative effects which result from these medicines.

22. I have developed a very significant fear of heights, especially being what I perceive to be too close to an unprotected edge of a building or structure I happen to be ascending. I assume this fear is related to needing to stand next to the broken windows on the 78<sup>th</sup> floor after the plane came into that floor and I was trying to breathe in uncontaminated air.

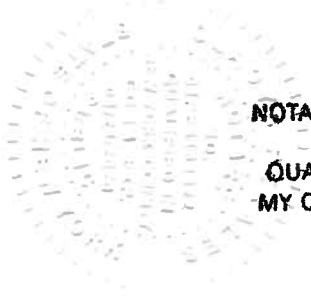
23. In addition to my constant physical pain and disability, the emotional scars of the September 11<sup>th</sup> attacks are deep. Even if my impaired right arm would allow me to forget the events of that day, my mind will not. I am grateful to be alive, but I feel tremendous guilt about the miracle that I survived when others did not, including the police officer who, now infamously, ushered me to safety. I cannot forget the things I saw that day – the images will haunt me as long as I live. Instead I try to make the most of my life that was saved when so many others were not.

Dated: January , 2020  
Fairfield County, CT

  
EDWARD NICHOLLS

Sworn to before me this  
27 of January 2020

  
Notary Public

  
GLADYS PERALES  
NOTARY PUBLIC-STATE OF NEW YORK  
NO. 01PE6183922  
QUALIFIED IN NEW YORK COUNTY  
MY COMMISSION EXPIRES 03-24-2020